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9/17/02
JSM

Date: July 20, 2002

To: The Honorable Judge William Caldwell
U.S. District Court Middle District
335 N. Washington Avenue
Scranton, Pa 18501-1148

From: Nadia N. Hicks
5608 Classic Court
Fayetteville Pa, 17222

FILED
SCRANTON
JUL 31 2002
PER 
DEPUTY CLERK

Re: Benson v. Duran, et al 1:CV-00-1229

Affadavit of Ms. Nadia N. Hicks

I, Nadia N. Hicks, reviewed the contents of the attached videocassette and hereby testify to the validity of these facts:

- 1.) The officers entered the room in which Mr. Benson was seated and handcuffed, being questioned by another gentleman.
- 2.) The gentleman asked Mr. Benson if he would strip. Mr. Benson calmly replied, "No."
- 3.) One of the officers stepped forward and sprayed Mr. Benson in the face with Pepperspray.
- 4.) The officer then asked Mr. Benson once more if he would strip. Mr. Benson then obliged.
- 5.) The officers began to uncuff Mr. Benson, at which time Mr. Benson proceeded to bang his head on the computer monitor.
- 6.) The officers grabbed Mr. Benson and threw him on the floor. After restraining him, the officers carried Mr. Benson over to the shower because he was unable to walk.
- 7.) Mr. Benson and the officers argued back and forth for a few minutes. At some point Mr. Benson rolled onto his back and his body began to go into convulsions. He then rolled onto his side and continued to go into convulsions.
- 8.) The officers stood there while Mr. Benson's body convulsed, telling him to keep his head in the stream of the water.
- 9.) The officers and Mr. Benson continued to argue back and forth. Mr. Benson eventually sat up. Every so often he would spit onto the floor in front of him.
- 10.) After being told a number of times to stop spitting, Mr. Benson again spit, that time, up wards. The officers then grabbed him up off of the floor and placed him on his stomach on the floor outside of the shower.

- 11.) Mr. Benson continued to spit on the floor. One of the officers then took his foot and placed it on the back of Mr. Benson's neck, appearing to apply great pressure.
- 12.) The officer and Mr. Benson continued to argue. The officer then released his foot from Mr. Benson's neck. Another officer left the room to get a spit cup for Mr. Benson.
- 13.) Once the other officer returned, the spit cup was placed on Mr. Benson's face.
- 14.) The officer and Mr. Benson continued to argue as the tape ended.

Nadia N. Hicks

A handwritten signature in black ink, appearing to read "Nadia N. Hicks". The signature is written in a cursive, flowing style.

Please reply to:

Jason E. Benson #DS6483
State Correctional Institution at Smithfield
P.O. Box 999, 1120 Pike Street
Huntingdon Pa, 16652

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Video received with affidavit 7/31/02